



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

DR. WIENER ON THE DIETARY LAWS.

DR. WIENER'S Treatise on the Jewish Dietary Laws is one of the most important books on the Jewish religion which has appeared during the last quarter of a century¹. Is it characteristic of the times that, in England at least, it has made so little stir? The orthodox party has perhaps tried to ignore it, and true reformers are far and few. Small, indeed, is the percentage of educated Jews in this country who observe the dietary laws, but smaller still is the percentage of the transgressors who trouble their heads for a moment about the justification of their own disobedience. Nevertheless, a great book like Dr. Wiener's must ultimately win its way and do its work. It is *there*, and it cannot be killed.

Nor can it be refuted. It may have its mistakes, but it is a powerful indictment; the more impressive, perhaps, when we call to mind the man who drew it up. Dr. Wiener has passed beyond the range of praise or blame. But when he wrote and published his work he was already an octogenarian, and could care but little for its effect upon himself. He had been for many years Rabbi of the Jewish Community in the small Prussian town of Oppeln, and he was bound, when asked, to give ritual decisions on all the casuistic minutiae of the dietary laws in true accordance with the Code. It is wonderful, in reading his book, to think what wastes of ritualistic barrenness are still connected

¹ *Die jüdischen Speisegesetze nach ihren verschiedenen Gesichtspunkten zum ersten Male wissenschaftlich-methodisch geordnet und kritisch beleuchtet*, von Dr. A. Wiener (Breslau, 1895).

with religion¹. Charges of inconsistency could freely be brought against him. He had nothing to gain by his attack upon the dietary laws: he had, if anything, a good deal to lose. Some would say he was putting a weapon in the hand of the Anti-Semites, others that dirty linen must not be washed in public (which means that it must never be washed at all), while all the eager devotees of the Talmud and the Shulchan Aruch, all the neo-orthodox school, at present so rampant in Germany, partly through the dubious influence of the Seminary at Breslau, would empty their full-stored armoury of vituperation and abuse. The old man was moved to speak by higher considerations: love of Judaism, still so hampered by obsolete ritualism and oriental superstitions, would not suffer him to keep silence unto the end.

Dr. Wiener's book deals with one of the two great evils in our modern Judaism: one of the two great barriers to internal progress and development, and to external influence upon the world beyond.

The Jewish dietary laws are a mere survival. They are a bit of Asia in Europe, which can never prosper in their new environment; or rather they belong to a stage of religious custom which for all civilized persons has utterly passed away. The essential doctrines of the Jewish religion are precisely those which are most independent of place and of time. They are not more Asiatic than European: not more past than present. They are human and divine. It is these doctrines which lifted Judaism up and out of the Asiatic religions around it in the earlier stages of its career, and which marked it off from its neighbours. *Its least characteristic element is its dietary code.* Take up any commentary upon Leviticus and you will find parallels to the dietary laws of the Bible and of the Talmud in dozens of races and religions. The lower down you go in the

¹ *Speisegesetze*, p. 121, n. 2; 247, n. 1: the latter note is of a very curious and distressing character, but well worthy of the fullest consideration.

scale of religions, the more rules and restrictions do you generally find.

I spoke of two great evils: I referred to the Jewish laws about food, and to the Jewish laws about women. Both these unfortunate classes of laws partly rest upon certain primordial superstitions; superstitions which would be scouted at the present day by all such educated persons as still observe these laws. But that they rest upon and grew out of these superstitions does not now admit of doubt. The science of comparative religion cannot be ignored. Certain things we know, and all the protests in the world will not make us again ignorant. We know, e. g., that the custom of avoiding blood, or of drinking it on certain solemn occasions, rests on a superstition. We know that the basis of the prohibition in the Pentateuchal law ("for the blood is the life") is in itself a partial expression or embodiment of that superstition, and we further know that a peculiar aspect of that superstition has had the most far-reaching effects in the relation of the sexes to each other, and still lives a shadowy life in certain enactments of the Jewish ceremonial law. These things we know, and no one can get out of them and of their implications, because he does not find them convenient, or even because they interfere with certain cherished observances. It interfered with some people's views of religion exceedingly when science asserted that the earth went round the sun, but the interference did not prevent the fact, and gradually people had to shape their religion more or less in accordance with the fact.

The superstitions on which the fabric of the dietary laws has been reared I will not now indicate in detail. A determining superstition was this: that certain kinds of physical cleanness or uncleanness are of vast importance from the point of view of religion and personal safety. One point I may add further: the dietary laws, in their origin, and probably in their development, have had nothing whatever to do (except unconsciously) either

with self-control or with sanitation. I emphasize the last three words: *or with sanitation*. I will do the founders and developers of the dietary laws the justice to say that they, at all events, did honestly, if mistakenly, institute and observe them from a religious intent. They did not confound religion with hygiene.

The dietary laws, and other customs of similar kind, resting on similar superstitions, were no essential element of that *unpopular* religion, which was preached by Amos, Hosea and Isaiah, and which constitutes the true basis of Judaism. The dietary laws were part and parcel of the popular religion, to which the prophets were opposed. They only became incorporated and adopted as part and parcel of the Jewish law because of the alliance between the priest and the prophet. The priest adopted some of the prophetic principles, but he retained some of his own priestly observances and conceptions. The people could only be won over to the doctrines of the prophets, or rather to some of them, by casting the aegis of orthodoxy over a mass of popular customs and superstitions. Hence the ceremonial law, as we have it in the Pentateuch. The original contributions which Judaism made to religion are precisely the highest and most spiritual elements in Pentateuch, Prophets and Psalter. About the dietary laws, or the laws about women (the swelling belly and the rotting thigh, e. g.), there is nothing characteristic or original whatever. Here, again, dispute is unavailing. It is not I, a nobody, who says so: it is science.

It is a crying necessity of the time that at least the Rabbinic developments of the dietary laws should be *authoritatively* removed. People say, "they are dying a natural death as it is, there is no necessity to hurry the dissolution." But, as Dr. Wiener points out, such people forget that, in scores of cases, these laws are disobeyed not from conviction, but from indifference or carelessness or convenience. They forget that they are still regarded as an essential part of orthodox Judaism, and that every

Rabbi is bound to say that they ought to be observed, even as he is himself bound to observe them. They forget that this divorce of theory and practice is of the gravest harm all round, harmful both to the influence of Judaism upon those within its pale and to its position and influence in the world beyond¹. Is Judaism always to be regarded as an antiquarian, obsolete, oriental religion, made up of and constituted by strange and funny customs which even its own adherents, as soon as they are Europeanized, begin gradually to throw aside and disregard?

It may, indeed, be said that the superstitions on which the dietary laws were built up are now forgotten. It needs the investigations of scholars even to recall them. How, then, are we to regard them if we ignore their true and scientific origin? We may suppose them to be arbitrary decrees of God, and this is a favourite point of view in the Talmud itself. By some odd coincidence the very same rules which in other nations grew up as customs, God decreed to the Israelites as immutable laws. The all wise and all good God revealed to Moses the exact details of *Shechitah*: the Talmud asserts this and even essays to prove it from the Bible. God himself told Moses how sheep and oxen and chickens were to be killed, and we must not inquire into the reasons of God's commands, we must simply obey them. But this point of view is hopeless for modern times. Who will believe in a God who reveals rules about slaughtering cattle, and solemnly ordains that milk must not be eaten with meat? The whole thing seems to us now, at the best child-like and strange, at the worst unworthy and degrading.

We can also regard the dietary laws as mere sanitary enactments. Well, even if they are this, let us observe them *as such*, and not injure religion by giving them a false religious wrapping or homage. Some of them, moreover, are not sanitary, but as Dr. Wiener shows, distinctly the reverse. Or, you can say, whatever the origin

¹ Pp. 112, 426.

of these laws, I choose to obey them now, because they are ascetic exercises, disciplinary rules in self-control and self-restraint. This point of view, unknown, I believe, to the Talmud¹, is the best defence that can be made of them, but is of necessity temporary and transient. The son of a man who would only eat a chicken killed in one particular way, and who would never eat milk and meat together, because he believed that he was fulfilling a law of God, may continue to observe these enactments from the point of view of ascetic exercises and moral training, even although he believes that these customs were not divinely ordered at all, and that they are the outgrowth of purely human superstitions. But the son of the man who observes them from the point of view of self-control will hardly continue their observance. He will look at them as they are in themselves, at their origin and purpose, at their social effects, at their relation to his religious opinions, and to the society in which he moves and lives, at their influence upon Judaism in the present and as a whole—and so looking and so judging, he will, I think, feel bound or feel tempted—take whichever verb you will—to observe them no more.

Dr. Wiener's book is on the dietary laws in general. But his real attack is on the dietary laws, not of the Pentateuch, but of the Rabbis. Nor is this differentiation either irrational or surprising. For one of the great objections which attaches to the Rabbinic laws, namely, their burdensome and restrictive character, scarcely applies to the Pentateuchal laws at all. The Pentateuchal laws are fourfold: (*a*) the law not to eat blood; (*b*) the law not to eat an animal which has died of itself, or has been "torn" by a wild beast; (*c*) the law not to eat fat; (*d*) the law not to eat certain specific animals and birds and fishes. The first two laws in their real meaning no one would think of disobeying. The third would, I admit, if obeyed, prove burdensome and

¹ P. 352. It is most interesting to see how Isaak Arama attacked the hygienic point of view.

circumscribing. The fourth is neither one nor the other. I was myself brought up to obey it, and out of respect for my mother I still do so. To my knowledge I have never partaken deliberately of pig, hare, lobster, and the rest of them; but I have never found these abstentions either burdensome in themselves, or preventive of my free social intercourse with Christians.

Hence omitting the law about fat (which was obviously a mere appanage of the obsolete system of sacrifices) the Pentateuchal dietary laws might at any rate continue for a time. Geiger notoriously thought otherwise. "Sint ut sunt aut non sint" was his maxim. Leave them as they are or abolish them altogether. In Germany, it may be observed, there is no *via media* in practice. Either people follow the entire Rabbinical code, or they eat hare as freely as they cook their chop in butter. But Dr. Wiener, while admitting the obsolescence in religious principle both of the Biblical and of the Rabbinical dietary laws, thinks that a distinction can still be made. Let reformers at all events exert all their efforts to abolish the Rabbinical laws: the Biblical ordinances can be left for a space alone. For one thing they are neither burdensome nor restrictive, and for another the Bible is after all a greater and a more authoritative book than the Talmud or the Shulchan Aruch¹.

Dr. Wiener's work suffers a little from the garrulousness of age. But on the whole it is well and logically arranged. He begins with a short introduction, to which, however, is immediately added an epilogue, that might perhaps have been better allocated to the end. Then follows the treatment of the dietary laws themselves, in eight divisions. A summing up and two valuable appendices complete the whole. The eight divisions treat of (1) The sinew that shrank, (2) Milk and meat, (3) Fat, (4) Blood, (5 and 6) *Nevelah* and *Terefah*, (7) Unclean beasts, birds and fishes, (8) Mixtures.

It is not my purpose to enter here into a full review and

¹ Cp. pp. 8 n. 2, 10 k, 418, 483.

criticism of Dr. Wiener's admirable book. I still hope that some adequate scholar, who sees things much as Dr. Wiener saw them, may review his work in the pages of this Quarterly. I will only here notice a few of the points which the wise old Rabbi brings forward.

First a word as to the sanitary wisdom of the dietary laws. It is commonly supposed that these laws, if nothing else, are at all events, whether by good luck or good management, admirable from the point of view of hygiene. Whereas the truth is that even here they are somewhat a failure. The law which the ingenuity of the Rabbis evolved out of the story of Jacob's wrestling with the angel rests to begin with, as Dr. Wiener shows, upon an anatomical impossibility. Let that, however, pass. The "porging" necessitated by this Rabbinic law removes from orthodox Jews "the best and most nutritive parts of the meat¹." Still less hygienic are the Rabbinic laws about salting and washing meat in order to drain it of every possible dribble of blood. Remember that these laws are still in force in every orthodox household, and that they are still part and parcel of orthodox Judaism. Now let us hear their hygienic effect.

Dr. Wiener quotes medical authority to the following effect :

Diseases of the intestines are exceedingly common among Jews of both sexes. The dietary laws are partly the cause of this. They make a meat diet less accessible to the poorer classes, and even of those animals which they may eat, the meat is divested by means of salting and washings of its nutritive elements, *so dass kaum mehr als das faserige Gewebe dem Magen zugeführt werden kann*².

Another authority, Dr. Niemann by name, gives similar evidence :

Mit dem Wasser des Fleisches werden Eiweiss und Fleischstoff, die Milchsäure und Salze vom Kochsalze ausgezogen. Die ausfliessende Salzlake wird entfernt und mit ihr ein Theil der löslichsten und wesentlichsten Stoffe des Fleisches³.

¹ P. 33.

² P. 215.

³ P. 216.

And a third medical man, Dr. Pappenheim, says :

Das Salzen setzt den Nahrungsstoff des Fleisches erheblich herab, indem das Salz das Wasser aus demselben entzieht, mit diesem aber die grosse Menge der Phosphorsäure und des Kalis, beinahe alle Extractivstoffe, das lösliche Eiweiss und einen grossen Theil des Fleisches extrahirt¹.

Even the laws about slaughtering are by no means so hygienic and scientific as is commonly affirmed. The examination of the carcasses is often inadequate. Dr. Phillipson admitted that the distinguishing marks of "healthy" and "forbidden" laid down by the Rabbis can no longer hold water. In some directions they go too far, in others not far enough². In any case, should a minister of religion decide when meat is or is not fit for human food, or a veterinary surgeon? The relegation of such questions to a minister as a part of his religious duties would be farcical were it not so intensely sad. *Ars longa ; vita brevis*. And it is with endless details about slaughtering and "mixtures," and with pages on pages of casuistic distinctions and difficulties, that the budding Rabbi has to fill his mind and occupy his time. The great thoughts and books of the world he has less leisure to learn and to read.

Another point which Dr. Wiener presses home is indeed so glaring that little knowledge is needed for its making. In order that a Biblical authority may be found for the Talmud's amazing mass of dietary enactments, the plain words of Scripture have to be twisted and perverted beyond recognition. One wonders that any man who has learnt grammar and exegesis can still obey laws which have been devised on such a basis.

Thus the odd *custom* to refrain from eating the "sinew of the hip," the mention of which a redactor most unfortunately appends to the legend of Jacob's wrestling with the angel (its real origin must be sought in very different

¹ P. 216.

² P. 242, and especially pp. 501-504.

connexions), is perverted by the Talmud into a *law*. This is done by mistranslating the words "Therefore the Israelites eat not of the sinew of the hip unto this day" into "Therefore the Israelites must not eat of the sinew of the hip for ever." Grammatically this is impossible; historically it is absurd. If the law-makers of the Pentateuch had desired to turn the custom into a law they would have included it in their codes. The probable truth is that this was one of the popular superstitions which they refused to sanction or to incorporate.

Again, the Pentateuch is urgent against the drinking of blood, and I have already indicated that it here adopts a widespread and hoary superstition. But it also partly reacts against superstition: for blood being very holy and *taboo*, it was drunk on various solemn occasions for magical and idolatrous purposes. In any case, however, what the codes forbid is the absolute drinking of blood; or again, the partaking of raw meat with the blood still in it. There is no thought of elaborately draining the meat of every particle of blood within it after the liquid blood has been removed. Nor is there any hint that the animal ought to be killed in one way rather than in another, in order that there may be a better chance that more blood may issue out of the meat, and less blood be left within it. Salting and *Shechitah* are pure figments and inventions of the Rabbis, without any Scriptural basis. What men in those ancient days either feared or desired to partake of was real liquid blood; and it is only this which the Bible forbids the use of, partly because it stands on the level of its time, and does regard the blood as holy, and partly because it stands above the level of its time, and seeks to prevent the idolatrous superstitions and ceremonies in which the drinking of blood played a central and prominent part.

More amazing still is the absolute inversion and *bouleversement* which the Rabbis have made of the Biblical laws about *Nevelah* and *Terefah*. The Pentateuch says, as clearly as words can say it, first that the Israelites are not to eat an

animal which is found dead. That is *Nevelah*. Secondly, they are not to eat an animal which has been "torn" by a wild beast. That is *Terefah*. If you find a dead bird, e.g. quite whole and uninjured, you must not eat it; it has "died of itself": it is "unclean." That is *Nevelah*. If you find a dead bird with its feathers scattered around and the mark of a talon upon its breast, you must not eat it any the more. It has been torn by a bird of prey. That is *Terefah*. All this is perfectly clear, and none of us would desire to transgress so moderate and wholesome a law.

The Talmud, however, absolutely inverts the whole thing, and turns two simple commands which need no explanation into a mountain of oppressive and trifling enactments. According to orthodox Judaism, an animal is *Nevelah* which has not been killed according to all the minute and multitudinous laws of the *Shechitah*; an animal is *Terefah* which, on examination, proves to be afflicted with any trace of a disease recognized as such, not by modern science but by mediaeval Rabbis! So wholly has the natural sense of the Scriptural words disappeared from the minds of the Talmudic authorities, that they positively allow an animal which is found dangerously ill, but is killed before its actual death, to be freely eaten. Only the very pious and the very scrupulous, they say, refrain from such food¹!

The Talmud asserts that God revealed to Moses all the rules of slaughtering animals. Now can anybody, I ask, in the year 1896, believe this? Does not the belief, or even the statement, verge close on the borders of irreverence and absurdity? And how does the Talmud prove its point? In the Book of Deuteronomy the following passage occurs:

When the Lord thy God shall enlarge thy border, as he hath promised thee, and thou shalt say, I will eat flesh, because thy soul longeth to eat flesh; thou mayest eat flesh, whatsoever thy soul lusteth after. If the place which the Lord thy God hath chosen

¹ Pp. 241-243.

to put his name there be too far from thee, then thou shalt kill of thy herd and of thy flock, which the Lord hath given thee, *as I have commanded thee*, and thou shalt eat in thy gates whatsoever thy soul lusteth after. Even as the roebuck and the hart is eaten, so thou shalt eat them: the unclean and the clean shall eat of them alike. Only be sure that thou eat not the blood: for the blood is the life; and thou mayest not eat the life with the flesh. Thou shalt not eat it; thou shalt pour it upon the earth as water. Thou shalt not eat it; that it may go well with thee, and with thy children after thee, when thou shalt do that which is right in the sight of the Lord.

What do the italicized words "*as I have commanded thee*" mean? The answer is simple. The Deuteronomic code, which for the first time enjoined that sacrifices were only to be offered in one central place, namely, at Jerusalem, allowed, as a necessary sequence, that meat might be freely partaken of without a sacrifice. That was a great innovation. Men had been accustomed to eat venison without a sacrifice, but not mutton, kid or beef. Hence the words "*as I have commanded thee*" refer back to the previous permission or injunction to eat meat, just as if it were venison ("*as of the roebuck and the hart*"), without a sacrifice. They refer back to this:

Notwithstanding thou mayest kill and eat flesh in all thy gates, whatsoever thy soul lusteth after, according to the blessing of the Lord thy God which he hath given thee: the unclean and the clean may eat thereof, as of the roebuck, and as of the hart. Only ye shall not eat the blood; ye shall pour it upon the earth as water,

The Rabbis, however, evolve from these simple words, "*as I have commanded thee*," the singular interpretation that God had commanded Moses how animals were to be slaughtered. "Thou shalt kill of thy herd as I have commanded thee," i.e. kill them according to the rules of *Shechitah* which I have already explained to thee! And this interpretation is, I believe, still solemnly maintained and supported by accredited representatives of orthodox Judaism. Once more: it would be ludicrous, if it were not so infinitely sad. Just as strained and as irrational

is the Talmudic elicitation of the worst and most restrictive of all their dietary laws—the prohibition of eating or cooking milk and meat together—out of the simple and direct command of the Pentateuch, “Thou shalt not seethe a kid in its mother’s milk.” Let the reader peruse Dr. Wiener’s book and judge for himself¹.

The immense range and volume of the dietary discussions and laws in the Talmudic and Rabbinic literature are in themselves a mournful monument and evidence of human folly. How appositely does the learned Steinschneider speak of the endless printed matter devoted to this unedifying and unelevating subject, as of “a spiritual desert, in which occasional oases of acuteness displayed in technical distinctions and sub-distinctions alone reveal the indestructible power of thought.” What is the reason of it, he asks? I give the answer in his own pregnant German. It is as gentle and considerate as may be.

Die Antwort liegt freilich ebenso nahe, dass jede einseitige Ausspinnung des Gesetzes ohne sichtbaren Zusammenhang mit den innersten Triebfedern des Geistes und ohne den belebenden Hauch allgemeiner Cultur zu solchen Erscheinungen führe, wie sie die jüdische Halacha nicht allein, wenn auch im ziemlichem Umfange, aufzuweisen hat, entsprechend der durch äussere Schicksale verkümmerten Bildung und dem inneren Drang nach geistiger Thätigkeit².

Here is a philosophic excuse for these aridities in the past: but it is no longer valid for maintaining and studying them now. “The five simple words of Scripture, לא תבשל לאו בחלב, have grown in the Talmud into twenty-eight folio pages. The Shulchan Aruch has expanded the command into eleven sections and sixty-two sub-sections, not to mention the legion of other writers and of *responsa* upon this same subject³.” “The three words of Scripture, טרפה לא תאכל, have become fifty-nine folio pages in the Talmud. Maimonides draws up a list of seventy kinds of *Tereifah* alone, without including the kinds of *Nevelah*.

¹ Pp. 41-120.

² P. 284, n. 2.

³ P. 120.

The writers on this subject are legion ; a *fruitful*, or better a *fearful* productivity has been displayed upon the dietary laws in general, and upon *Terefah* and *Nevelah* in particular¹."

Young men, in the few precious years that they can give to study, are still, in Jewish colleges and seminaries, made to devote many hours of the week to Halachic lore. Compare the curriculum of an orthodox Jewish seminary for ministers with the curriculum, for example, which young divinity students undergo in the Unitarian Training College at Oxford. Which gives the more time to the reading of great books that still help forward and onward the thought and action of man? Which has the more time to spare for philosophy, for sociology, for the history of human thought and human civilization? Or will *Tractate Chullin* do a man more good than Lecky's *Morals*? will Maimonides' *Hilchoth Shechita* be better for him than Spinoza's *Ethics* or Mill's *Political Economy*? Is it not hard that the students' time in the seminary should be largely occupied with a philosophy that is obsolete and sterile, and with laws that are childish and unedifying? It is all very well to boast that the methods of modern science are now applied to Jewish lore. But if the lore be often ethically and spiritually valueless, no degree of scientific application or of trained pedagogic imparting will make it educationally profitable. The will and the soul, and in the higher sense, the mind are alike starved. Instead of bread, the young and healthy appetite is offered a stone.

Dr. Wiener does not scruple to point out that to the minute observation of the dietary laws there are, at any rate in Western Europe, grave ethical and religious dangers attached.

The German proverb is only too true, he says, in regard to religion as to other things: *Im engen Kreis verengert sich der Sinn*. "If average persons lay great weight on trivialities, the capacity to appreciate great truths or to

¹ P. 258.

realize the great purposes of life fades away. Superficiality, mechanical observance, and an hypocrisy, which is real though often unconscious, gradually overmaster them¹."

Moreover, the danger against which the prophets protested so loudly must always exist so long as human nature is what it is. A scrupulous observance of dietary laws, and of other laws of similar kind, will always tend to be regarded by the average man as equivalent to religion. What does the word *fromm* mean in orthodox circles? It means a *kosher* household, a double or triple set of dishes, and so on. Is not this an instance of the degradation of words which might have been included by Archbishop Trench in his famous little study?

Zu welcher Carrikatur, exclaims the dear old Rabbi, *wird doch unser herrliches Judenthum durch die spätere Form und seliggesprochene ausgedehnteste Küchen-Frömmigkeit und Heiligkeit!*²

Dr. Wiener is especially emphatic upon the evil effects of the dietary laws on the character of Jewish women of the middle and lower classes. I quote his words, which are spoken from experience, in the original German:

Wahrlich, nicht blos die unnöthigen, zwecklosen Entbehrungen und kleinen Quälereien bedauern und beklagen wir, es erfüllt uns noch mehr mit Unmuth, mit Schmerz, der Umstand, dass diese minutiösen Uebungen einen kleinlichen Geist erzeugen, bei dem weiblichen, ohnehin zum Kleinlichen geneigten Geschlecht einen höheren Gesichtskreis verschliessen; dieses fortwährende Rechnen mit so kleinlichen Faktoren, die für Grundpfeiler der Religion ausgegeben werden, verödet das Gemüth und lässt höhere Gedanken nicht aufkommen. Mittelmässige Naturen leiden Einbusse an idealem und ethischem Gehalt durch diese unerquickliche, minutiöse Küchenreligiosität; sie glaubten und glauben noch heute, der gewissenhaften Ausübung mancher weit wichtigeren Riten, ja, vielleicht gar der sittlichen Pflichten weit weniger obliegen zu müssen, weil sie betreffs vieler ceremonieller Observanzen, speciell der Speisegesetze, eine peinliche Scrupulosität an den Tag legen. Den schädlichen Einfluss dieser unnützen, belästigenden, übertriebenen, minutiösen

¹ P. 425, &c.

² P. 269. The note on the same page is too painful for me to transcribe.

Observanzen muss auch das blödeste Auge erkennen in der Praxis unserer Frauen bezüglich des Pessachrituals: wie geht da in ihnen die ganze, grosse herrliche Idee der Befreiung von ägyptischer Knechtschaft so ganz unter! Da besuchen viele Frauen während der ganzen Pessachzeit kein Gotteshaus, da wird Gebet, Andacht, Belehrung ganz hintenangesetzt, weil ja zu Haus strenge Wacht gehalten werden müsse, dass nur ja kein Atom des fingirten Chamez in die Küche komme. So machen sie denn das Nebensächliche zur Hauptsache, diese aber—kaum zur Nebensache¹.

To a practical religious evil, which is directly due to the dietary laws, Dr. Wiener also calls attention. His words are, I believe, applicable not only to Germany but also to Great Britain.

“The maintenance of a special butcher (who is, moreover, often wholly uncultivated, and causes the mockery and contempt of Christians) prevents the appointment, in poor communities, of an educated religious teacher.” And this butcher is, in such cases, the religious minister of the community. Can it be wondered at if Christians find it difficult to understand that persons whose religion compels them to maintain such officials, either are or want to be real Europeans? Dr. Wiener adds:

In Folge der rabbinischen Casuistik, die weder auf biblischem Grunde beruht, noch irgend einem guten Zwecke dient, ist der Schächter, oft ein naturalisirter polnischer Ignorant, der wichtigste Gemeindebeamte geworden, dem, wenn Interessen collidiren oder nur über geringe Mittel verfügt werden kann, Alles und jeder Andere zu weichen hat. Daher denn der ungenügende und verwilderte Religionsunterricht der Jugend und der geist- und gemüthlose Schlendrian des Gottesdienstes in allen unbemittelten Gemeinden—abgesehen von der Missachtung und dem Hohn, den ein Schächter, der nur zu schächten versteht, auf sich selbst und auf Juden und auf Judenthum ladet².

And here we pass to another very important point: the influence of the dietary laws upon the relation of Judaism to the outer world.

At present if any attempt is made within the Jewish

¹ P. 95, n. 1. Cp. pp. 216, n. 1, 217, 218, 424, n. 2, 425, n. 2.

² P. 424.

community to bring to light a religious evil, if any attempt is made to urge reform and progress, we are at once met by the rejoinder: "Hush! In the face of anti-Semitism, not a word must be said which could imply that all the Jews are not perfectly united, not a word which could imply that official Judaism has any shadow of fault; every existing custom and rite must be defended and justified, and no grain of evil must be admitted to inhere in it." Any amount of laxity and indifference is of less consequence: every decade the number of those increases who, partly for lack of a religion which is in full accordance with the other aspects and sides of their mental, moral, and spiritual lives, drop off from active participation in communal work, and cease to have any true religion whatever. It is all of minor consequence to the one supreme end of "crying Peace, peace, where there is no peace," of ignoring and denying "the hurt of the daughter of their people."

But though this organized arrangement of silence serves the turn of the hyper-orthodox and neo-orthodox party, while, as Dr. Wiener complains, we, who yearn for a liberal and progressive Judaism, inwardly and outwardly in accordance with our deepest convictions and ideas, bear the loss and the discredit, there would be far less ground of complaint if the end held out to us were really gained. And yet the policy of silence and stagnation, on the plea of putting no additional weapon in the reckless hands of anti-Semitism, though it has won over many who would otherwise be opposed to it, does actual harm to our position in the big outer world beyond our pale. No anti-Semite was ever converted from his anti-Semitism by the inspiring spectacle of Jewish orthodoxy, neglected in deed but maintained in word. On the contrary. Nothing suits his turn better than that the Jews should consist of two classes only; first, the very orthodox, whose religion is Asiatic and not European, secondly, the indifferentists who have no religion at all. Reform Judaism is a thorn in

his flesh. For without it he can argue: the Jews are a people who *either* refuse to eat with us and pray for their restoration to Palestine, *or* who are arch-materialists without belief in the soul or in God. Dr. Wiener rightly maintains that with the exception of the Jewish method of slaughtering, the anti-Semite desires nothing better than that the Jews should differ in all their rites and usages as much as possible from their Christian fellow-citizens. The greater the difference, the more complete the marking off of Jew from Gentile, the better and more evident his case¹.

But not every Gentile critic of Judaism is an anti-Semite. Jews are far too ready to assume that this is the case. It is pleasant to avoid the unpleasant task of trying to find out whether there is any truth in any Gentile criticism, and it is so easy. *Rishuss*, anti-Semitism, we say, and the thing is done. But though the method be easy, it is perilous.

Dr. Wiener, for example, points out that, more than perhaps any other of the dietary laws, the prohibition of cooking or eating milk and meat together provokes the satire and sarcasm of outsiders. He adds: "Ein Volk wird zum Theil nach dem innern Gehalte seiner religiösen Verordnungen und Riten beurtheilt und geschätzt²." John Spencer was, as he says, no anti-Semite, when he wrote on the milk and meat regulation: *quin et eo stultitiae deventum est hodie, quod vasa duplicia, altera ad carnes, altera ad cibos lactarios, coquendos comparent: cultros duos, unum ad carnem, alterum ad caseum, scindendum deferant. Duo etiam in mensa salina habere solent, ne carnes et lacticinia uno eodemque sale condiantur: duo etiam pro utrisque mantilia, notis aut literis distinctis inscripta, ne ab incautis permisceantur*³.

¹ P. 10 h.

² P. 116.

³ *De Legibus Hebraeorum ritualibus*, Book II, chapter IX, section 2 (vol. I, p. 340, ed. 1727); Wiener, *Speisegesetze*, p. 118. Is the double set of salt-cellar and table-napkins true or libellous?

In his remarkable work on Ethics, Prof. Paulsen, who seems somehow to touch upon everything in the world (and usually to illumine it), also touches upon the Jews. I do not think that he is an anti-Semite. On the other hand, I do not think that whatever he has said is true. But I do say that the conditions which he appends to his claim of complete civil and political rights for the Jews deserve the deepest and fullest consideration. They may sting, but at all events they open the eyes. They let us see ourselves as others see us, and the others are not necessarily our foes. Still more are they worthy of our consideration if a lingering remnant of the old prophetic desire still exists among us, that Judaism should exercise any influence whatever upon humanity at large.

Zu fordern wird allerdings sein, dass wer als Gleichberechtigter angesehen werden will, sich auch ganz auf den Boden des Gemeinschaftlebens stellt; wer von Religionswegen gehindert ist, mit Andern zu Tische zu sitzen oder in der Schule am Sonnabend die Feder anzurühren, der schliesst sich selber aus, und es ist thöricht, unter dem Titel der Toleranz solche anmassliche Abschlüssung gelten zu lassen, und dass eine Religion, zu deren Wesen eine bestimmte Verstümmelung des Körpers oder eine besondere Form der Tötung des Schlachttiers gehört, Gleichstellung mit der Religion zivilisierter Völker beansprucht und durchsetzt, ist auch eine seltsame Thatsache. Wer durch solche Dinge sich selber ausserhalb stellt, der darf sich nicht beklagen, wenn er draussen bleibt; wer aber entschlossen ist, sich der ganzen Lebensgemeinschaft des Volks anzuschliessen, dem soll seine Herkunft und seine religiöse Überzeugung kein Hinderniss sein¹.

¹ Paulsen, *System der Ethik*, vol. II, p. 493. The attitude towards the Jewish observance of Saturday seems to me unnecessarily severe. There is nothing "oriental" in the observance of the sabbath. But here again it is Jewish orthodoxy which is partly at fault. For from the orthodox point of view the objection is not so much to attendance at school in general, as to the act of writing when there. When I was at Oxford, some of my orthodox Jewish contemporaries would attend lectures and read their Demosthenes and Cicero on Saturday, only they would take and make no notes. It was this letter worship which their Christian fellow-students failed to understand.

Dr. Wiener, on the Jewish side, says somewhat to the same effect.

"Separation and isolation were the watchwords of the Middle Ages. The motto for the present time must be union and attachment. And, therefore, so far as they are not based upon the pure and clear doctrine of Judaism, all those partition walls and boundary lines must be removed which prevent a close and sympathetic union with our fellow-citizens of other creeds¹."

Isolation and separation in matters of food and drink are especially calculated, says Dr. Wiener, to make the Jews disliked and misunderstood.

Exclusiveness on one side leads to exclusiveness on the other. It is right and proper to endure mockery, misery, and even death, for the sake of God, the truth, and our country. But to ascribe a great importance to immaterial rites, and by their eccentric observance to isolate oneself, and thereby to provoke dislike and intolerance, is neither religious nor rational².

What a wise, and clear-eyed octogenarian he was! And if we think of the past as well as of the present, we shall, I think, also see his wisdom in the following:

Mixed marriages and conversions will take place whether the dietary laws are observed or not. Das Herz, der Ehrgeiz, die Eitelkeit, die Gewinnsucht, der Schwachmuth, die Feigheit lassen sich nicht vom rituellen Küchenszettel beherrschen³.

Is there any hope that in the Jewish communities of western Europe the dietary laws of the Talmud may be formally and authoritatively abolished? Dr. Wiener urges that to expect the Rabbis themselves to move is out of the question. They are either too conservative or too nervous. Can then nothing be done? Are we simply to see, decade after decade, a larger and larger proportion of educated Jews openly violating laws which are still supposed to be an inherent part of their religion, and which all their religious teachers unanimously obey? Is it to

¹ P. 480.

² P. 456.

³ P. 452.

become more and more impossible because of the yoke of the dietary laws for any educated person to become a Jewish minister? Nothing is so likely to make people drop away from Judaism altogether as the assumption that it is largely made up of a number of obsolete customs, which no "man of the world" can possibly obey. As to any influence of Judaism upon the outer world, any active witnessing to God, that is impossible, so long as its pure doctrine is overshadowed and overcrusted by a mass of oriental, restrictive, and in their origin superstitious observances.

Dr. Wiener believed that the only possible remedy would be a synod called together by a number of intelligent laymen, to which the Rabbis would then also be invited¹. Is the idea purely visionary? It is not religion or religiousness which would prevent its accomplishment. No; it is a mixture of indifference, apathy, laziness and timidity. And so Judaism languishes, and the hour of its purification is dangerously delayed.

But, perhaps, it will be argued that there is a restraining motive at work to which I have been wilfully blind. Many persons who openly disobey the dietary laws of the Talmud, and perhaps even some persons who disobey the dietary laws of the Pentateuch (especially as to fat), will nevertheless disapprove of this article. They will use what Daniel Deronda so aptly called the logic of the roasting-jack, that must go on to the last turn, when it has been once wound up. They will say, if you once formally allow any rite to be repealed or abolished, you will set the fatal jack in motion, and every distinguishing characteristic of Judaism will gradually be destroyed. It is the thin edge of the wedge. This argument seems to me to show a lack of faith in Judaism and in God. It assumes in the first place that what is characteristic of Judaism is just that part of it which is separative, oriental, ritualistic. It makes Judaism a fetish, as if there were

¹ P. 481.

any good in the preservation of it apart from its religious and ethical truths, or over and above them. It seems to assume that there is some reason and value in the existence of Judaism outside and beyond the *diffusion through the world* of its essential doctrines. As if Judaism were a sort of family or archaeological curiosity that must be preserved in the world's museum of religious oddities! But there is still worse behind.

The argument holds that Judaism is so feeble and flaccid a religion that it can only be kept together by a large integument of ritualistic and unspiritual customs in direct and pointed opposition to the social instincts and ethical feelings of its educated adherents and of the outer world. It assumes that Judaism needs the crutch of oriental customs, wholly out of touch and out of keeping with our Western civilization. It assumes, therefore, that Judaism can never take its place as a European or universal religion. The argument is, therefore, a *reductio ad absurdum*.

And, finally, the argument, though meant to be religious, betrays a want of faith in God. If God be the God of truth, can he be served by the propagation and maintenance of error? If God has entrusted Judaism with a certain work to do, need we fear that he will be unable to accomplish his purpose? It is for us to make Judaism as true and pure and serviceable as we can; it is for God to preserve it. If it has no more work to do, the object of its life is ended. But if it have, it is our duty to make it as fitted for that work as possible. Beyond that it is not ours to go. The future we commit to God.

C. G. MONTEFIORE.